THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.8237 of 1999

Dated : 04.04.2007

Between:

T.Chalamaiah S/o late Jagannaikulu

... **PETITIONER**

And:

District Collector, Srikakulam District and another.

....**RESPONDENTS**

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.8237 of 1999

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in proposing to assign an extent of Ac.1.16 cents of land in Sy.No.597/2 situated at Kesarapada village of Kanchili Mandal in Srikakulam District, for providing house sites to the weaker sections of the society without paying compensation to the petitioner either under the Land Acquisition Act, 1894 (for short "the Act") or any other enactment as arbitrary and illegal and consequently a restraint order against the respondents is also sought.

It is the case of the petitioner that he purchased the said land from one Pudi Rangaiah under a registered sale deed dated 20.09.1983 and since the date of purchase, he has been in possession and enjoyment of the said land. The petitioner has been statedly paying land revenue to the Government, and he was also issued pattadar passbook. But, due to illiteracy, the petitioner could not get

his name mutated in the revenue records. While so, petitioner came to know that the said land was acquired by the Government for acquiring house sites to the weaker sections of the society. He complains that no proceedings under the Act were initiated and he was not paid any compensation. He also alleges that though his land is stated to have been acquired in the year 1983, the possession of the land is not taken from him and he is still in possession and enjoyment of the same. Now the grievance of the petitioner is that without initiating any proceedings under the Act and without following due process of law, the respondents are trying to assign his land to the weaker sections of the society. Hence, this writ petition.

The respondents filed a counter stating that the acquisition proceedings under the Act were initiated, and a notification under Section 4(1) of the Act was issued on 17.02.1986 and the enquiry Section 5-A of the Act was conducted on 05.05.1986 and the draft declaration under Section 6 of the Act was also issued and published in the District Gazette was published on 05.10.1986. An Award being Award No.2/86-87 dated 26.02.1987 was passed by the Land Acquisition Officer, and possession of the land was also taken on 10.07.1987. It is further stated that the son of the petitioner also participated in the enquiry and when the compensation was offered to the petitioner, he refused to receive the same and accordingly, the said amount of Rs.7,412/- was kept in the revenue deposits vide Challan No.881 dated 31.03.1987.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

In view of the averments in the counter that the land acquisition proceedings under the Act were initiated and compensation was kept in the revenue deposits pursuant to the award, as the petitioner refused to receive the same, this Court is of the view that the

respondents have followed due process of law.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

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04.04.2007

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